MYSORE ACT No. XXXIII OF 1944.

An Act for the Prohibition of Beggary, 1944.

(*Received the assent of His Highness the Maharaja on the 13th day of August* 1944.)

WHEREAS it is necessary and expedient to prohibit persons from resorting to begging as a means of livelihood and to make provision for the relief of such persons; it is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Act for the Prohibition of Beggary, 1944. Short Title.

(2) This section shall come into force at once and the Government may, by notification in the official Gazette, apply all or any of the remaining provisions of this Act to the whole or any part of [1][the State of Mysore except Bellary District] from such date as may be specified in the notification: Extent and Commencement.

Provided that no such provisions of this Act shall be so applied unless the Government is satisfied that suitable facilities exist or can be made available by the Central Relief Committee for the relief of the beggars of that area.

CHAPTER II.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) "Alms" means anything given gratuitously to a beggar, such as money, food—cooked or uncooked—grain or clothing, or any other thing value; Alms.

(2) "Beggar (with its grammatical variations)" means any person who makes his living by soliciting alms, Beggar.

1. See the Mysore Adaptation of Laws Order, 1958.

impliedly or explicitly, in any public place or a place to which the public resort and includes—

(i) any person who solicits alms wandering from door to door ;

(ii) any person who exposes or exhibits any sores, wounds or bodily ailments or deformities or makes false and fraudulent pretences or does any other act with the object of exciting pity for securing alms ;

(iii) a religious mendicant who asks for alms in any public place or a place to which the public resort so as to be a nuisance :

Provided that—

A person shall not be deemed to be a beggar if he—

(i) is a religious mendicant licensed by the Central Relief Committee to solicit alms in the prescribed manner ; or

(ii) in performance of any religious vow o robligation as sanctioned by custom or religion collects alms in a private or public place, without being a nuisance ; or

(iii) is permitted in writing by the Central Relief Committee to collect contributions in cash or kind from the public for any public institution, whether religious or secular or for the furtherance of any object for the good of the public ;

(iv) is a student collecting alms for the prosecution of his studies ;

Child. (3) " Child " means a person under the age of twelve years.

Central Relief Committee. (4) " Central Relief Committee " means the Committee constituted by the Government under this Act ;

Foreigner. (5) " Foreigner " shall denote a person who is not a natural born subject of His Highness the Maharaja or who has not acquired domicile in the State by residence therein for not less than five years immediately preceding the date when the question of his status arises, coupled with the intention to reside thereon permanently ;

(6) "Indoor Relief" includes relief given in any Institution under the Act; Indoor Relief.

(7) "Institution" includes a Receiving or Relief centre, colony, settlement area or any other institution declared to be such by the Government; Institution.

(8) "Local Area" means an area declared as such by the Government, from time to time, for the purposes of this Act by a notification in the official Gazette: Local Area.

(9) "Local Committee" means the Committee appointed by the Central Relief Committee for any local area; Local Committee.

(10) "Magistrate" means a Magistrate not below the rank of Second Class; Magistrate.

(11) "Nuisance" means any act or omission by which annoyance, injury or danger is caused or is likely to be caused to any person or to the public; Nuisance.

(12) "Offence" means an act or omission prohibited or made punishable under this Act. Offence.

(13) "Outdoor Relief" includes relief in cash or kind, or both; Outdoor Relief.

(14) "Prescribed" means prescribed by rules under this Act. Prescribed.

CHAPTER III.

3. No person shall beg in the areas notified under Section 1 of the Act. Begging prohibited.

4. The reliif to be given under this Act shall be Indoor relief but the Government may, on the recommendation of the Central Relief Committee, permit the grant of Outdoor relief. Relief.

CHAPTER IV.

Constitution and Administration.

5. (1) The Government may by notification in the official Gazette, constitute a Central Relief Committee. Central Committee.

Composition of the Central Committee.

(2) The Committee shall consist of such number of members as may be prescribed.

Chairman and Secretary.

(3) The Government may appoint one of the members of the Committee as its Chairman and appoint a Secretary who may or may not be a member of the Committee.

Term.

(4) The Chairman and the members of the Committee shall hold office for such period as the Government may by notification in the official Gazette direct in this behalf.

Vacancies.

(5) (*a*) Casual or other vacancies in the Committee shall be filled up by the Government in the prescribed manner.

(*b*) During any vacancy in the Committee, the continuing members may act as if no vacancy had occurred.

Administration to vest in the Central Relief Committee.

(6) Subject to the provisions of this Act and the rules made thereunder, the supervision, direction, and control, of all matters relating to the administration of relief shall vest in the Committee.

Local committees.

6. The Committee, may for the purposes of carrying out the provisions of this Act in any local area constitute as prescribed, a local committee.

Local administration.

7. (1) Subject to the control of the Central Relief Committee and the rules made in this behalf, the administration of relief to the beggars in any local area shall be vested in the local Committee.

(2) For the purpose of carrying out the provisions of this Act in any part of a local area, the local committee may constitute sub-committees as prescribed.

CHAPTER V.

INSTITUTIONS.

Receiving Centres.

8. The Central Relief Committee may provide Receiving Centres for the reception and temporary retention of beggars or it may declare by notification in the official Gazette any institution to be a Receiving Centre for the purposes of this Act.

(*Chapter VI—Procedure and Punishments*)

Relief Centres.

9. The Central Relief Committee may establish institutions, in such places as may be deemed necessary for the relief of beggars sent thereto or may in the manner prescribed in Section 8, declare any existing institution as a Relief Centre.

Management of Centres.

10. (*a*) Subject to the provisions of this Act, the Central Relief Committee shall make provision for the proper management of institutions and for the care of the inmates therein.

Discipline in Centres.

(*b*) Every person retained in any of the institutions shall be subject to such rules of discipline as may be prescribed.

Explanation.—"Discipline" includes the enforcement of manual labour and hard labour.

Enforcement of Discipline.

11. The Central Relief Committee may authorise the person-in-charge of any institution to enforce discipline in such institution in the manner prescribed.

CHAPTER VI.

Procedure and Punishments.

Beggar who persists to beg to be arrested and sent to the Receiving Centre.

12. (1) Any police officer or such other officer as may be authorised in this behalf, who finds any person contravening the provisions of Section 3, shall, arrest and remove him immediately to the nearest Receiving Centre;

Enquiry at the Receiving Centre. Officer may release him with or without surety;

(2) The person-in-charge of the Receiving Centre shall thereupon without delay hold such enquiry as he deems necessary and if satisfied that the person, if released, will not resort to begging, shall release him forthwith, with or without surety; and if not so satisfied shall produce him before the nearest Magistrate having jurisdiction. The Magistrate shall thereupon hold an enquiry and if satisfied that such person has committed the offence but promises not o contravene the provisions of Section 3, shall release him after obtaining the prescribed bond;

or send the beggar to the Magistrate, who may release the beggar on Bond.

(3) If the person so released is again produced before the Magistrate for a similar offence, he shall, if it is proved against him, not be released without a surety.

Magistrate to send beggar to the Receiving Centre.

13. (i) If the person against whom action has been taken under Section 12 is again produced before the Magistrate, for a similar offence or when such person does not or is unable to comply with the directions contained in the said section, the Magistrate shall, on enquiry, make an order declaring such person to be a beggar and direct that he be detained in the nearest Receiving Centre.

Maintenance to be recovered from the beggar or his relative.

(ii) If in the course of the enquiry by the Magistrate under sub-section (1), it is found that the beggar has any property in his own right or is entitled to a share in any property, or has relatives who are legally bound to maintain him and who wilfully neglect to maintain him, the Magistrate may, while making the declaratory order, direct that the cost of maintaining the said beggar or such amount as specified by him be recovered as fine from the property of the beggar or the person or persons responsible for his maintenance.

How person in-charge of Receiving Centre to deal with the beggar so sent.

14. Any person so sent to the Receiving Center shall thereafter be removed to such Institution as is declared by the person-in-charge of the Rceeiving Centre, to be suitable to him.

Infirm and decrepit beggars and incurables to be arrested and sent to Receiving Centres.

15. (i) Any Police Officer or such other officer as may be authorised in this behalf, who finds in any public place, or any place to which the public resort, any beggar who is infirm, disabled, decrepit, or suffering from any loathsome or incurable disease, shall arrest that person and remove him without delay to the Receiving Centre.

Person-in-charge of the Receiving Centre to remove such beggars to the Magistrate to obtain declaration.

(ii) The person-in-charge of the Receiving Centre shall thereafter hold an enquiry and ascertain from that person, if he has any relatives and if there are any, the officer shall immediately send for them and if on enquiry it is found that the beggar cannot be taken care of, or if there are no relatives, the person-in-charge of the Receiving Centre shall, with his report of enquiry, immediately produce him before the Magistrate, who after enquiry shall declare that person to be a beggar and order him to be taken at once to the Receiving Centre.

To be sent to the institution kept for them.

(iii) The person-in-charge of the Receiving Centre shall thereafter send such person to one of the institutions kept for that purpose.

(*Chapter VI—Procedure and Punishments*)

Child beggars to be sent to the Receiving Centres under a Declaration by the Magistrate.

16. (1) If a person arrested under the provisions of this Act is, in the opinion of the officer arresting him, below the age of twelve years, he shall without delay be removed to the Receiving Centre, whereupon the person-in-charge of the Receiving Centre shall, after preliminary enquiry, place him before the Magistrate having jurisdiction and, the Magistrate shall thereupon hold an enquiry and if satisfied that such person —

(*a*) has no home or settled place of abode or means of subsistence or has no parent or guardian, or has a parent or guardian who does not exercise a proper wardship ; or

(*b*) is destitute and both his parents or his surviving parent, or in the case of an illegitimate child, his mother, are or is undergoing imprisonment ; or

(*c*) is under the care of a parent or guardian who by reason of criminal or drunken habits is unfit to exercise proper care ;

shall declare the person to be a beggar and send him to the Receiving Centre :

Provided that if such a person has a parent or a proper guardian, the Magistrate shall call upon that parent or guardian to execute a bond and stand surety for that person not committing an act contrary to the provisions of Section 3 and thereafter release hm, but if the parent or guardian refuses to execute a bond or stand surety or he himself is a beggar, and no other relative comes forward to take care of the person, he shall be sent to the Receiving Centre with a declaration as provided above.

Maintenance of the child to be recovered from parent or guardian.

(2) If as a result of the enquiry, the Magistrate is of opinion that the parent or guardian being competent to maintain the child, has wilfully neglected to do so, he may in his order committing such child to the Receiving Centre, direct that such amount as he may deem necessary for the maintenance of the child be recovered by way of fine from such parent or guardian.

Manner in which person-in-charge of the Receiving Centre to deal with the child.

(3) The person-in-charge of the Receiving Centre shall thereupon send the child to such Institution as may be best suited for him.

Beggar to leave relief centre on discharge or permission.

17. No person who is admitted to any institution shall leave it without an order of discharge or without the written permission of the person-in-charge of the Institution.

Absconding beggars—how to be dealt with.

18. (1) On a report from the person-in-charge of any Institution that a person has left such institution in contravention of the provisions of Section 17, any Police Officer or any officer authorised in this behalf shall arrest him without a warrant and produce him before the nearest Magistrate and the Magistrate shall, after satisfying himself that the said person did commit the act complained of, order him to be delivered to the institution, with a warning.

Imprisonment.

(2) Any person dealt with under the provisions of sub-section (1), who absconds or takes to begging after he is discharged under Section 17 shall be placed before a Magistrate, who after summary trial may convict him and sentence him to imprisonment for a period not exceeding three months.

Abettors—punished with imprisonment or fine or both.

19. Whoever employs any person to ask for alms, or abets such employment, or whoever having the custody, charge or care of a child, abets or encourages such employment shall be punished on conviction before a Magistrate with simple or rigorous imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or both.

Refusal of a Beggar to go to a Beggar Relief Institution or to a Magistrate punishable with imprisonment, or fine or both.

20. Any beggar refusing or failing to accompany a Police Officer or any officer authorised in this behalf to appear before a Magistrate or to be taken to an Institution when required, under this Act, shall be punished on conviction by a Magistrate, with simple imprisonment for a term which may extend to one month or with fine or both.

CHAPTER VII.

MISCELLANEOUS.

Begging a cognizable offence.

21. All offences under this Act shall be cognizable offences as defined in the Criminal Procedure Code.

(*Chapter VII—Miscellaneous*)

22. (1) Where a Magistrate, before whom a beggar is produced under sections 12, 13 or 15, is satisfied that the beggar is a foreigner, he may order the beggar to remove himself from Mysore State and may cause him to be removed from Mysore State in such manner as may be prescribed.

(2) If any beggar ordered to remove himself from Mysore State or caused to be removed therefrom wilfully returns thereto he shall be punishable with imprisonment which may extend to three months, and after the completion of his term of imprisonment, shall be liable to be removed from Mysore State in the prescribed manner.

Fines.

23. Fines recovered under this Act shall be credited to the Central Relief Fund.

Power to acquire property, etc.

24. Subject to the rules made in this behalf the Central Relief Committee or any local committee shall have power to acquire property, enter into contracts, institute and defend legal proceedings and do all other acts incidental thereto.

Appointment or officers.

25. The Central Relief Committee or the local committee with the previous sanction of the Central Relief Committee may appoint officers for the purpose of the Act in accordance with the rules prescribed in that behalf.

Protection of officers.

26. No suit, prosecution or other legal proceedings shall lie against any person for anything which is done or intended to be done in good faith under this Act.

Public servant.

27. Every person empowered to perform any function under the Act, shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code as in force in Mysore.

Central Relief Fund.

28. In order to carry out the purposes of this Act, a fund called the Central Relief Fund shall be formed. This Fund shall consist of—

(i) subscriptions and donations ;

(ii) grants from the Government ;

(iii) grants from Local Bodies, and other private or public institutions ;

(iv) fines recovered under this Act ;

(v) receipts from other surces.

Taxation.

29. If the Central Relief Fund is found to be insufficient for the adequate grant of relief to beggars under this Act, the Government may levy a cess not exceeding six pies per rupee on all items of State Revenue, other than revenue derived as tax or cess on land or buildings.

Board of Visitors.

30. The Government may, as per rules made in this behalf, appoint a Board of Visitors in local areas to inspect, from time to time, the Institutions situated therein, and to report on the working of these institutions, to the Government and offer such suggestions as they deem fit for the improvement of the said institutions.

31. Notwithstanding anything to the contrary in the Code of Criminal Procedure, 1904, any person aggrieved by any decision of a Magistrate under this Act, may apply to the Court of Session having jurisdiction in the prescribed manner and within the prescribed time for revision of such decision and the Court in so doing may examine the legality or propriety of the proceedings before the Magistrate. The decision of the Court shall be final.

Appeal.

32. (1) If any inmate of an institution is aggreived by any order passed by any person-in-charge of the Institution, he may appeal against that order to the Chairman of the Local Committee.

Appeal. Board's decision final.

(2) The decision of the Chairman of the Local Committee may be taken up in second appeal to the Board of Appeal constituted as prescribed by the Relief Committee from amongst its members, and the order of that Board shall be final.

Charge for Misconduct.

33. The Government may on the report of an Auditor who may be appointed by the Government to audit the accounts of the Central Relief Fund pass an order charging any person responsible for causing any loss through misconduct or negligence, after obtaining his explanation

and shall in every such case certify the amount due from such person, and upon the application of the Central Relief Committee the Revenue Authorities shall recover the said amount from such person as if it were an arrear of land revenue and credit to the Central Relief Fund.

Publication of Annual accounts.

34. The annual accounts of receipts and expenditure, and the budget when sanctioned shall be open to public inspection and shall be published in such manner as the Government may prescribe.

Administration Report.

35. (1) As soon as may be after the 1st of July every year, and not later than such date as may be fixed by the Government, the Central Relief Committee shall submit to the Government an administration report for the preceding official year in such manner and with such details as the Government may direct.

(2) Each Local Committee shall, as soon as may be after the 1st July of each year and not later than such date as may be fixed by the Central Relief Committee, submit to the Central Relief Committee an administration report for the preceding official year in such manner and in such form as may be fixed by the Central Relief Committee.

(3) The report shall be published in such manner as the Government may direct.

CHAPTER VIII.

CONTROL.

Powers of Government.

36. The Government or any officer authorised by the Government by a general or special order shall have power—

Inspection of Institutions.

(*a*) to enter and inspect any institution under the control or management of the Central Relief Committee or inspect any work in progress under it or under its direction ;

Calling for any record.

(*b*) to call for any extract from the proceedings of the Central Relief Committee or of any Committee under its control and direction and any return, statement, account or report which the Central Relief Committee may be required to furnish ;

Rectification of orders.

(*c*) to inspect the office of the Central Relief Committee or any office under its control and direction, and call for the records of any such office, and the officer authorized shall submit the records for the orders of Government if he is satisfied that the order or proceeding of the Central Relief Committee or the Local Committee is contrary to law or orders for the time being in force.

Disputes.

37. (1) If any dispute arises between the Central Relief Committee and Local Committees or local bodies in any matters arising under the provisions of this Act and the dispute is not amicably settled, the matter shall be reported to the Government who may take cognizance of the dispute and decide it and the decision of the Government shall be final.

Bar to Civil proceedings.

(2) No suit shall be entertained by a Civil Court in respect of any dispute referred to in sub-section (1).

Rules and Orders.

38. (1) The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules for—

Licensing of religious mendicants.

(*a*) the manner in which religious mendicants may be licensed ;

Constitution of Committee.

(*b*) the constitution of the Committee and institutions and their powers, duties and functions ;

(*c*) matters provided in Section 29 ;

Board of Visitors.

(*d*) the constitution of the Board of Visitors, its powers, duties and functions ;

Submission of records.

(*e*) the submission of returns and statements and reports and the preparation and submission of annual receipts and expenditure and the annual administration report by the Central Relief Committee and the Local Committees ;

Audit.

(*f*) the auditing of accounts ;

(*g*) the constitution of a Board of Appeal, its powers duties and functions ; Board of Appeal.

(*h*) the transfer of beggars from one institution to another ; and Transfer of Beggars.

(*i*) prescribing the form of bonds required to be taken under the provisions of this Act. Form of bonds.

(3) The power of the Government to make rules under this Act shall be subject to the condition of previous publication. Publication.

(4) All rules made by the Government under this Act shall be published in the official Gazette, both in English and Kannada, and shall thereupon have effect as if enacted under this Act.

39. If any provision of any other enactment in force in Mysore is repugnant to any provision contained in this Act, the latter provision shall prevail.

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